

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-34 are pending in this application.

**Information Disclosure Statement:**

Applicant filed a Submission of Corrected Form PTO-1449 on December 4, 2001. The corrected Form PTO-1449 cited related U.S. application no. 09/840,877 filed April 25, 2003 to Maki et al. The corrected Form PTO-1449 also cited documents EP 0 987 423 and JP 62-291 537 thereby correcting the misnumbering of these documents on the Form PTO-1449 filed on October 22, 2001.

Applicant received a Form PTO-1449 along with the Office Action. However, the Form PTO-1449 that was received did not include an initialization of U.S. application no. 09/840,877 or corrected document nos. EP 0 987 423 and JP 62-291 537. For the Examiner's convenience, Applicant has attached hereto another copy of the corrected Form PTO-1449. Applicant respectfully requests that all references cited on the corrected Form PTO-1449 be initialed as an indication that the Examiner has considered the cited references and then return the initialed Form PTO-1449 be returned with the next Office Action.

**Rejection Under 35 U.S.C. §102:**

Claims 1-26 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Shimizu et al (EP '423, hereinafter "Shimizu").<sup>1</sup> Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Applicant respectfully submits that Shimizu fails

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<sup>1</sup> Applicant notes that Shimizu is assigned to Denso Corporation, the assignee of the present application.

to disclose each element of the claimed invention. For example, Applicant submits that Shimizu fails to disclose controlling a malfunction indicator light (MIL) in such a manner that operation of the MIL is selected from one of the following possible conditions: lighting-on, flashing and lighting-off. The condition is selected based on a result of a malfunction detection operation of each one of at least one diagnosis target.

Shimizu categorizes the result of malfunction detection operation only into two levels. That is, Shimizu categorizes the result of malfunction detection operation only into (1) normal and (2) abnormal. Shimizu fails to categorize the result of malfunction detection operation into three or more levels such as “normal”, “temporarily normal” and “abnormal”. Shimizu thus fails to teach operating an MIL in one of three possible operating conditions: lighting-on, flashing and lighting-off. Accordingly, Shimizu fails to disclose each element of independent claims 1, 7, 10, 11, 14, 20, 23 and 24 and their respective dependents. Applicant thus respectfully requests that the rejection of claims 1-26 under 35 U.S.C. §102 be withdrawn.

**New Claims:**

New claims 27-34 have been added to provide additional protection for the invention. New claims 27-34 depend from claims 1, 7, 10, 11, 14, 20, 23 and 24, respectively. Accordingly, Applicant submits that new claims 27-34 are allowable for at least the reasons discussed above. Each of these new claims further requires that the result of malfunction detection operation of each of at least one diagnosis target is categorized into at least three levels including normal, temporarily normal and abnormal. Such categorization of the result of the malfunction detection operation of each diagnosis target is not disclosed by Shimizu. New claims 27-34 are therefore allowable.

**MAKI et al.**  
**Application No. 09/982,988**  
**November 10, 2003**

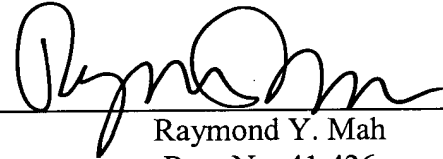
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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